IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.15357 of 2004

Between:

1. V.Prabhakar, rep.by their G.P.A.Holder Shri K.H.Kumar, S/o.K.Punnaiah, R/o.Tirumalagiri, Secunderabad.
2. V.Ramesh Kumar, rep.by their G.P.A.Holder Shri K.H.Kumar,

S/o.K.Punnaiah, R/o.Tirumalagiri, Secunderabad.

..... PETITIONERS

AND

1 The Andhra Pradesh State Financial Corporation, rep.by its

M.D.,H.No.5-9-194, Chirag Ali Lane, Hyderabad-1.
2 The Andhra Pradesh State Financial Corporation, rep.by its

Asst.General Manager, Ramachandrapuram Branch,

H.NO.22-95, Reddy Complex, Ramachandrapuram, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in invoking the provisions of Sec.52A of the A.P. Revenue Recovery Act is illegal, and that the action of the 2nd respondent seeking to enforce the alleged dues by the Impugned Notice dt.18-8-2004 against the petitioners under the provisions of the said Act is illegal, arbitrary and against the provisions of Limitation Act and consequently the same is liable to be quashed.

Counsel for the Petitioner: MR.P.V.VIDYASAGAR

Counsel for the Respondent Nos.1 and 2: MR.Y.N.LOHITA

The Court made the following:

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.15357 of 2004

ORDER:

The petitioners are erstwhile Directors of M/s.Sonar Caps & Lamps Pvt. Ltd., Muthangi, Patancheru Mandal, Medak District from 1982 to 1987. The said company availed term loan from Andhra Pradesh State Financial Corporation (SFC) to a tune of Rs.22,00,000/-. The company became sick. The loan was not repaid. Be that as it is, when the Assistant General Manager of first respondent addressed a communication dated 18.8.2004 to the second respondent advising him to pay a sum of Rs.11,84,60,153/- and also informing that in case there is no response, SFC would invoke provisions under A.P. Revenue Recovery Act, 1864 (the Act). Apprehending said action, the present writ petition is filed.

Learned Counsel for the petitioners placed reliance on the decision of the Supreme Court in **State of Kerala v. V.R.Kalliyanikutty** and a judgment of this Court in **N.A.Radha v. State of A.P.** in support of the contention that the time barred debt of APSFC cannot be treated as “amount due” to the revenue for the purpose of invoking Section 52-A of the Act.

After hearing the learned Counsel for the petitioner and learned Standing Counsel for SFC, this Court is convinced that the writ petition is premature. The respondents have not so far invoked the provisions under Section 52-A of the Act to give any cause of action to the petitioner. The petitioners were only advised to pay the amount which has been long pending. Unless and until further steps are taken, the petitioner cannot be said to have any redressible grievance.

Giving liberty to petitioners to avail appropriate remedies, as and when required, the writ petition is dismissed. No costs.

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(V.V.S.RAO,J)

23.06.2005

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To

1 The Managing Director, Andhra Pradesh State Financial Corporation,

H.No.5-9-194, Chirag Ali Lane, Hyderabad-1.

2 The Assistant General Manager, Andhra Pradesh State Financial

Corporation, Ramachandrapuram Branch, H.NO.22-95,
Reddy Complex, Ramachandrapuram, Hyderabad.

3 Two C.D. Copies.